

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

XIN QIANG ZHAO,

Petitioner,

v.

MARTIN HERRON, CHIEF - BFDF, and
MICHAEL CHERTOFF,

Respondents.

ORDER
06-CV-801S

1. On December 7, 2006, Petitioner Xin Qiang Zhao filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Therein, Petitioner asserts a challenge to his continued administrative detention pending his removal from the United States to his native country. (Docket No. 1.)

2. On April 10, 2007, Respondents filed a Motion to Dismiss the Petition on the grounds that it is now moot. (Docket No. 7.) In particular, Respondents assert that Petitioner has been released from administrative custody pursuant to an Order of Supervision. (Mitchell Aff., ¶¶ 2, 5, 6.) Further, Respondents attach the Order of Supervision that confirms that Petitioner has been released from administrative custody. (Mitchell Aff., ¶ 5 and Exhibit A.)

3. Based on this evidence, this Court finds that Petitioner is no longer being held in administrative detention. Accordingly, the Petition for Writ of Habeas Corpus is moot and will be dismissed.

IT HEREBY IS ORDERED, that Respondent's Motion to Dismiss (Docket No. 7) is GRANTED.

FURTHER, that Petitioner's Petition for Writ of Habeas Corpus (Docket No. 1) is DISMISSED as moot in light of Petitioner's release from administrative custody.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: May 2, 2007
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge